

**IN THE COURT OF APPEALS
FOR THE MIDDLE SECTION OF TENNESSEE**

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**UNITED TELEPHONE-SOUTHEAST,
INC.,**

Petitioners

v.

**THE TENNESSEE REGULATORY
AUTHORITY,**

Respondent.

No.: M2002-02057-COA-R12-CV

TRA Docket No. 00-00544

STATUS REPORT OF UNITED TELEPHONE-SOUTHEAST, INC.

Pursuant to this Court's Order filed September 9, 2002, United Telephone-Southeast, Inc. ("UTSE") respectfully submits this Report as to the status of the federal action styled United Telephone-Southeast, Inc., Plaintiff, v. The Tennessee Regulatory Authority, et al., Defendants, No. 3:02-0829, in the United States District Court for the Middle District of Tennessee (the "Federal Action").

UTSE advises the Court that the Federal Action is still pending. The initial case management conference has been continually rescheduled at the request of the parties. Initially, the Federal Action was rescheduled due to ongoing litigation in the Court of Appeals for the D.C. Circuit concerning an order of the Federal Communications Commission ("FCC") on which the decision of the TRA at issue in this appeal and the Federal Action was based. As a result of the D.C. Circuit's latest opinion, United States Telecom Association v. FCC, 2004 W.L. 374262 (D.C. Cir. March 2, 2004), the FCC issued a ruling on February 4, 2005 entitled Order on

Remand, In the Matter of Unbundled Access To Network Elements, WC Docket Number 04-313, CC Docket Number 01-338, 2005 WL 289015 (FCC Feb. 4, 2005) (hereinafter referred to as the "Triennial Review Remand Order"). Since the issuance of the Triennial Review Remand Order, the initial case management conference in the Federal Action has been rescheduled so as to allow the parties time to analyze the Triennial Review Remand Order and its implications on this case. The TRA is scheduled to conduct hearings from September 13th through September 15th, 2005 to address what changes need to be made to interconnection agreements in order to implement the Triennial Review Remand Order and the Triennial Review Order.

The initial case management conference in the Federal Action is currently scheduled for September 16, 2005. The parties are in the process of filing a joint motion to continue this case management conference.

No further action has been taken in this case.

DATED: September 12, 2005

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served on the following person(s), via the method(s) indicated, on this the 12th day of September, 2005:

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